



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

January 25, 2019

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Azad Khan, M.D.  
[REDACTED]  
FCI Allenwood Low  
Federal Correctional Institution  
PO Box 1000  
White Deer, PA 17887

Marc S. Nash, Esq.  
Bureau of Professional Medical Conduct  
Empire State Plaza  
Corning Tower Building, Room 2512  
Albany, New York 12237

**RE: In the Matter of Azad Khan**

Dear Parties:

Enclosed please find the Determination and Order (No. 19-018) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

**STATE OF NEW YORK: DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT**

-----X  
:  
**IN THE MATTER** :

**OF** :

**AZAD KHAN, M.D.** :

**DETERMINATION**

**AND**

**ORDER**  
**19-018**  
-----X

A hearing was held on December 19, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to §230(10)(e) of the Public Health Law (PHL), **LYON M. GREENBERG, M.D.**, Chairperson, **PROSPERE REMY, M.D.**, and **GEORGIA MILLOR, PhD., R.N.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **JEAN T. CARNEY, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Associate Counsel Marc S. Nash. A Commissioner's Order of Summary Action dated August 29, 2018, and a Notice of Referral Proceeding and Statement of Charges dated October 15, 2018, were duly served pursuant to PHL §230(10)(d)(i) upon Azad Kahn, M.D. (Respondent), who failed to appear. The Hearing Committee received and examined documents from the Department (Exhibits 1-6) and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct, in violation of Education Law §6530(9)(a)(ii), and that pursuant to PHL §230-a, the penalty of revocation of his license is appropriate.

## **BACKGROUND**

The Department brought the case pursuant to PHL §230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law §6530(9). The Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(a)(ii), by having been convicted of an act constituting a crime under federal law, specifically Conspiracy to Distribute Controlled Substances (21 USC §846), and Distribution of Controlled Substances and Aiding and Abetting (21 USC §§841(a)(1), 841(b)(1)(E), 841(b)(2), and 18 USC §2). Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence.

## **FINDINGS OF FACT**

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was authorized to practice medicine in New York State on May 20, 1986, by the issuance of license number 166174. (Exhibit 3).
2. On or about April 6, 2018, in the United States District Court, Eastern District of Pennsylvania, the Respondent was found guilty after trial of three felonies: one count of Conspiracy to Distribute Controlled Substances; and two counts of Distribution of Controlled Substances and Aiding and Abetting. The Respondent was sentenced to 24 months in prison, three years post-release supervision, assessed fines and penalties in the amount of \$15,300, and ordered to forfeit \$147,028. (Exhibit 5).
3. The Respondent, along with several others, sold prescriptions for controlled substances, namely, Suboxone and Klonopin, to drug dealers and drug addicts for cash payments, performing little or no medical or mental health treatment. (Exhibit 6).

### **VOTE OF THE HEARING COMMITTEE**

The Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

### **CONCLUSIONS OF LAW**

The Hearing Committee reviewed the Department's evidence showing that the Respondent was convicted after a trial of three felonies, namely, Conspiracy to Distribute Controlled Substances (21 USC §846), and Distribution of Controlled Substances and Aiding and Abetting (21 USC §§841(a)(1), 841(b)(1)(E), 841(b)(2), and 18 USC §2). Based on these convictions, the Hearing Committee determined that the Respondent violated Education Law §6530(9)(a)(ii), which states that professional misconduct includes "being convicted of committing an act constituting a crime under...federal law."

Although the Respondent was duly served with notice of the hearing pursuant to PHL §230(10)(d), he failed to respond to the charges. The Hearing Committee considered the serious nature of the convictions, and that the Respondent's conduct placed the public at risk of harm, and agreed with the Department's recommendation that his medical license in New York State be revoked pursuant to PHL §230-a.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct, as set forth in the Statement of Charges is sustained;

2. The Respondent's license to practice medicine is REVOKED; and

3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL §230(10)(h).


DATED: Albany, New York

*January 23<sup>rd</sup>*, 2019

  
Lyon M. Greenberg, M.D.  
Chairperson

Prosper Remy, M.D.  
Georgia Millor, PhD., R.N.

To: Azad Khan, M.D.

  
FCI Allenwood Low  
Federal Correctional Institution  
PO Box 1000  
White Deer, PA 17887

Marc S. Nash, Esq.  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower Building – Room 2512  
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Albany, New York 12237

# APPENDIX I

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
AZAD KHAN, M.D.

STATEMENT  
OF  
CHARGES

AZAD KHAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 20, 1986, by the issuance of license number 166174 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 6, 2018, in the United States District Court, Eastern District of Pennsylvania, after the Respondent was found guilty following a trial, Respondent was convicted of three felonies, one count of Conspiracy to Distribute Controlled Substances [21 U.S.C. § 846] and two counts of Distribution of Controlled Substances and Aiding and Abetting [21 U.S.C. §§ 841(a)(1), (b)(1)(E), (b)(2) & 18 U.S.C. § 2], and sentenced to a total term 24 months' incarceration followed by three years' supervised release. Respondent was assessed monetary fines and assessments totaling \$15,300.00 and Respondent was ordered to forfeit a monetary amount of \$147,028.00 or assets equal to this value.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

Respondent violated Education Law § 6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:



1. The facts in Paragraph A.

DATE: August 29 2018  
Albany, New York



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MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct